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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. HARRY RODRIGUEZ, Defendant.	MAGISTRATE CASE NO. '08 MJ 0759 COMPLAINT FOR VIOLATION OF: Title 18 U.S.C. § 2252(a)(4)(B) - Possession of Images of Children Engaged In Sexually Explicit Conduct

The undersigned Complainant, being duly sworn, states:

On or about February 26, 2007, within the Southern District of California, defendant HARRY RODRIGUEZ, did knowingly possess one or more matters, that is computer media containing visual images, including file "BabyJ-Long.jpg", that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct; in violation of Title 18, United States Code, Section 2252(a)(4)(B).

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Amy M. Christoph
Special Agent, FBI

Sworn to me and subscribed in my presence this 11 day of March, 2008.

UNITED STATES MAGISTRATE JUDGE

STATEMENT OF FACTS

I am employed as a Special Agent of the Federal Bureau of Investigation (FBI) and have been so for more than four years. I am currently assigned to the San Diego Division's Cyber Squad and I investigate computer crimes, crimes involving the sexual exploitation of children, and the possession, distribution, and production of child pornography, which is a violation of Title 18 U.S.C. Section 2252. As a Special Agent for the FBI, I have participated in investigations in the exploitation of children and the distribution and receipt of child pornography. I have received formal and informal training provided by the FBI, other federal agencies, and private industry in the fields of violent crime, computer crime investigation, and computer forensics. Prior to my employment with the FBI, I was employed as a software programmer for over six years.

On October 25, 2006, Special Agent Wade Luders of the San Francisco Division of the FBI, San Jose Resident Agency, logged into the RANCHI child pornography message board located at http://rangatel.da.ru and posted the following message: "here is one of my favs - 4yo hc with dad (toddler, some oral, some anal) - supercute!", with a supposed link to a file entitled "4y0_suck". That same day, between 17:45 and 17:46:31 PDT, an individual using IP address 69.232.74.14 attempted to download this file by clicking on the link five separate times.

An administrative subpoena was sent to AT&T requesting the subscriber information for the individual assigned this IP address for that specific date and time. On November 22, 2006, AT&T responded to this request, indicating that this IP address was assigned to a subscriber residing at 235 West Aviation Road, SPC #30, Fallbrook, California.

On January 9, 2007, this information was referred to the San Diego Division of the FBI to conduct a logical investigation to identify who at that residence in Fallbrook, California had attempted to access and download images of child pornography from a hard core child pornography message board website.

On February 26, 2007, SA Patrick T. Winn and Amy M. Christoph conducted a knock and talk at Rodriguez's residence, located at 235 West Aviation Road, #30, Fallbrook, California. Randy Rodriguez, Harry Rodriguez's brother, who was the only person present at the residence. Randy Rodriguez provided his written consent to search the computer which resulted in the discovery of child pornography. The computer was located in Randy's bedroom, which he shares with his brother, Harry.

Upon discovering images of child pornography on the computer, Randy was informed that the computer was being seized as evidence. Randy denied viewing or downloading child pornography on his computer.

Subsequent to the computer being seized, Harry Rodriguez contacted SA Winn to schedule an interview. On March 7, 2007, Harry Rodriguez met with SAs Christoph and Winn at the FBI office, North County Resident Agency, located in Carlsbad, CA. Harry admitted to downloading and viewing images of minors engaging in sexually explicit activity. Harry stated that he knew that the contents of the website he visited were illegal. Harry recognized the term "BabyJ" and admitted to downloading BabyJ videos, but stated he could not view them because the videos were password protected. Harry admitted to viewing and then deleting the material on the computer because he did not want to get in trouble by keeping the images on the computer. Harry stated that he was the only individual in his household viewing this type of material on the computer.

A forensic examination revealed approximately 26 images, each containing a collage of babyJ images (approximately 15 images embedded into each image), located on the hard drive in the directory entitled \Documents and Settings\Owner\My Documents\Pass\caps+info\. One image was entitled BabyJ-Long.jpg, which contained fifteen separate images embedded within the file. The images contained in that particular file depicted a prepubescent female orally copulating an adult male penis, a prepubescent female being vaginally and digitally penetrated by an adult male, and a nude prepubescent female urinating. Over 257 additional images of child pornography and over 1400 images of child erotica were located in the unallocated space of the hard drive. A copy of this file is available for the Court to review upon request.

Amy M. Christoph
Special Agent, FBI